

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**NETLIST, INC.,**

**Plaintiff,**

**v.**

**MICRON TECHNOLOGY, INC.,  
MICRON SEMICONDUCTOR  
PRODUCTS, INC., MICRON  
TECHNOLOGY TEXAS LLC,**

**Defendants.**

**Civil Action No. 1:22-CV-00136-LY**

**DEFENDANTS' STIPULATION OF  
INVALIDITY CONTENTIONS FOR U.S. PATENT NO. 10,489,314**

Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (“Micron” or “Defendants”) anticipate filing petitions nos. IPR2022-00744 and IPR2022-00745 with the Patent Trial and Appeal Board today, March 30, 2022, requesting *inter partes* review of U.S. Patent No. 10,489,314 (“the ’314 patent”).

The petition will assert the following grounds of invalidity:

- 1) claims 1-2, 6, 8, and 12-14 of the ’314 patent would have been obvious to a person of ordinary skill in the art (“POSITA”) under pre-AIA 35 U.S.C. § 103 in view of U.S. Patent App. Pub. No. 2002/0112119 to Halbert et al. (“Halbert”) in view of the knowledge of a POSITA;
- 2) claims 3 and 9-10 would have been obvious to a POSITA under pre-AIA 35 U.S.C. § 103 in view of Halbert in view of “PC2100 and PC1600 DDR SDRAM Registered DIMM Design Specification,” JEDEC Standard 21-C (January 2002) (“JESD21-C”);
- 3) claim 5 would have been obvious to a POSITA under pre-AIA 35 U.S.C. § 103 in view of Halbert in view of “DDR2 SDRAM Specification,” JESD79-2A (January 2004) (“JESD79-2A”); and
- 4) claims 15-20 and 22-33 would have been obvious to a POSITA under pre-AIA 35 U.S.C. § 103 in view of Halbert in view of JESD21-C.

Defendants hereby stipulate that if the Patent Trial and Appeal Board institutes *inter partes* review in IPR2022-00744 and IPR2022-00745, then Defendants will not assert invalidity of claims 1-3, 5-6, 8-10 12-20, and 22-33 of the ’314 patent in this case based on any instituted grounds listed above, or on any other ground involving the Halbert, JESD21-C, and JESD79-2A references alone or in combination with any other reference.

This stipulation is not intended and should not be construed to limit Defendants' ability to assert invalidity of the claims of the '314 patent in this case on any ground that does not involve the Halbert, JESD21-C, and JESD79-2A references regardless of whether *inter partes* review is instituted. The stipulation also is not intended and should not be construed to limit Defendants' ability to reference the Halbert, JESD21-C, and JESD79-2A references as background or with respect to other issues, such as claim construction or non-infringement.

Dated: March 30, 2022

Respectfully submitted,

By: /s/ Michael Rueckheim

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the above and foregoing document on all counsel of record via the Court's ECF system on March 30, 2022.

/s/ Michael R. Rueckheim  
Michael R. Rueckheim